

APPOINTMENT OF A PANEL OF TRAINING SERVICE PROVIDERS FOR THE PROVISION OF TRAINING PROGRAMMES ON AN AS AND WHEN REQUIRED BASIS FOR A PERIOD OF 36 MONTHS



PIKITUP JOHANNESBURG SOC LIMITED

BID DOCUMENT FOR THE APPOINTMENT OF TRAINING SERVICE PROVIDERS FOR THE PROVISION OF TRAINING PROGRAMMES ON AN AS AND WHEN REQUIRED BASIS OVER A PERIOD OF 36 MONTHS

BID NO: PU 106/ 2022

CLOSING DATE: 20 SEPTEMBER 2022

CLOSING TIME: 11:00AM

BIDDER NAME:

TENDER DOCUMENT FOR:

**PIKITUP JOHANNESBURG SOC LTD
JORISSEN PLACE
66 JORISSEN STREET
BRAAMFONTEIN, JHB**

Contact person: Nomaswazi Lamola

E-mail: nomaswazilamola@pikitup.co.za

Enquiries relating to this bid may be e-mailed to the mentioned above contact person.

Bid document must be submitted at:

Pikitup Head Office, Tender Office, Ground Floor, East Wing, Jorissen Place, 66 Jorissen Street, Braamfontein, JHB before the closing date and time.

SCAM ALERT

With an endeavor to promote transparent tender processes and to comply with the relevant legislation, bidding company names and bid values are called out at tender opening and such details are also published on the Pikitup website. Fraudsters however abuse the information available from various sources on the internet with fraudulent intentions.

It came to our attention that fraudsters are posing as municipal employees claiming that they are members of either the Bid Evaluation or Adjudication Committee, and soliciting bribes from bidders for being favored during the tender evaluation or being awarded the tender.

Bidders are requested to be vigilant pertaining to the following:

- Pikitup tender documents are available free of charge from the National Treasury e-tender portal, thus do not pay for tender documents.
- Pikitup is using the National Treasury Central Supplier Database (CSD), hence Pikitup will not request bidders to pay for supplier registration forms.
- All Pikitup tenders are published on the National Treasury e-tender portal and / or the Pikitup website. Only respond to tenders that are published on these websites.
- Bid responses must be deposited in the Pikitup tender box as indicated in the respective tender documents.
- Only correspond in writing with the Pikitup contact person as indicated in the tender document. The Pikitup official and contact details are also advertised on the National Treasury e-tender portal and / or Pikitup website.
- Do not entertain any request for a bribe, and never pay money for being favored or being awarded a tender.

REPORT FRAUD AND CORRUPTION

Please report fraud and corruption at the City of Johannesburg Anti-Fraud Hotline: 0800 002 587 or the National Treasury Anti-Corruption Hotline: 0800 701 701

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ANNEXURE 1.1

MBD 1

INVITATION TO BID

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MBD 1

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)					
BID NUMBER:	PU106/2022	CLOSING DATE:	20 September 2022	CLOSING TIME:	11:00 AM
DESCRIPTION	APPOINTMENT OF TRAINING SERVICE PROVIDERS FOR THE PROVISION OF TRAINING PROGRAMMES ON AN AS AND WHEN REQUIRED BASIS OVER A PERIOD OF 36 MONTHS				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
PIKITUP TENDER BOX, SITUATED AT PIKITUP JOHANNESBURG (SOC) LIMITED, JORISSEN PLACE, TENDER OFFICE, EAST WING, GROUND FLOOR, 66 JORISSEN STREET, BRAAMFONTEIN, JOHANNESBURG, 2000					
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT <input type="checkbox"/> Yes <input type="checkbox"/> No		
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]		
TOTAL NUMBER OF ITEMS OFFERED			TOTAL BID PRICE		R
SIGNATURE OF BIDDER		DATE		
CAPACITY UNDER WHICH THIS BID IS SIGNED					
ENQUIRIES MAY BE DIRECTED TO:					
DEPARTMENT	SUPPLY CHAIN				
CONTACT PERSON	NOMASWAZI LAMOLA				
E-MAIL ADDRESS	nomaswazilamola@pikitup.co.za				

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**PART B
TERMS AND CONDITIONS FOR BIDDING**

1. BID SUBMISSION:	
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.	
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED--(NOT TO BE RE-TYPED) OR ONLINE	
1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.	
2. TAX COMPLIANCE REQUIREMENTS	
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.	
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.	
2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.	
2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.	
2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.	
2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.	
2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.	
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS	
3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	<input type="checkbox"/> YES <input type="checkbox"/> NO
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.	

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.
NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.**

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

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AUTHORITY TO SIGN A BID
(Complete the relevant form of the following options)

1. <u>Sole Proprietor (Single Owner Business) and Natural Person</u>			
1.1 I, , the undersigned, hereby confirm that I am the sole owner of the business trading as			
OR			
1.2 I, , the undersigned, hereby confirm that I am submitting this tender in my capacity as natural person.			
SIGNATURE		DATE	
PRINT NAME			
WITNESS 1		WITNESS 2	

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2. <u>Companies and Close Corporations</u>			
2.1	If a Bidder is a Company, a certified copy of the resolution by the board of directors, duly signed, authorising the person who signs this bid to do so, as well as to sign any contract resulting from this bid and any other documents and correspondence in connection with this bid and/or contract on behalf of the company must be submitted with this bid, that is, before the closing time and date of the bid.		
2.2	In the case of a Close Corporation (CC) submitting a bid, a resolution by its members authorising a member or other official of the corporation to sign the documents on their behalf, shall be included with the bid.		
Date Resolution was taken			
Resolution signed by (name and surname)			
Capacity			
Name and surname of delegated Authorised Signatory			
Capacity			
Specimen Signature			
Full name and surname of all Director(s) / Member (s)			
1.		2.	
3.		4.	
5.		6.	
7.		8.	
9.		10.	
Is a certified copy of the resolution attached?			<div style="display: flex; justify-content: space-around;"> YES NO </div>
SIGNED ON BEHALF OF COMPANY / CC		DATE	
PRINT NAME			
WITNESS 1		WITNESS 2	

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3. <u>Partnership</u> We the undersigned partners in the business trading as hereby authorise Mr/Mrs to sign this bid as well as any contract resulting from the bid and any other documents and correspondence in connection with this bid and/or contract for and on behalf of the above mentioned partnership. The following particulars in respect of every partner must be furnished and signed by every partner:			
Full name of partner		Signature	
SIGNED ON BEHALF OF PARTNERSHIP		DATE	
PRINT NAME			
WITNESS 1		WITNESS 2	

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4. <u>Consortium</u> We the undersigned consortium partners, hereby authorise..... (Name of entity) to act as lead consortium partner and further authorise Mr/Ms.....to sign this offer as well as any contract resulting from this tender and any other documents and correspondence in connection with this tender and / or contract for and on behalf of the consortium. The following particulars in respect of each consortium member must be provided and signed by each member.			
Full name of Consortium Member	Role of Consortium Member	% Participation	Signature
SIGNED ON BEHALF OF CONSORTIUM		DATE	
PRINT NAME			
WITNESS 1		WITNESS 2	

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5. JOINT VENTURE

We, the undersigned, are submitting this bid offer in joint venture and hereby authorize Mr / Ms

.....
Authorized signatory of the Company / Close Corporation / Partnership (name)

.....
Acting in the capacity of lead partner, to sign all documents in connection with the bid offer and any contract resulting from it on our behalf.

LEAD PARTNER (Whom the Pikitup shall hold liable for the purpose of the tender)			
NAME OF FIRM			
ADDRESS			
		TEL. NO.	
SIGNATURE		DESIGNATION	

2nd PARTNER			
NAME OF FIRM			
ADDRESS			
		TEL. NO.	
SIGNATURE		DESIGNATION	

3rd PARTNER			
NAME OF FIRM			
ADDRESS:			
		TEL. NO.	
SIGNATURE		DESIGNATION	

4th PARTNER			
NAME OF FIRM			
ADDRESS:			
		TEL. NO.	
SIGNATURE		DESIGNATION	

NOTE: A copy of the Joint Venture Agreement indicating clearly the percentage contribution of each partner to the Joint Venture, is to be submitted with the bid.

A board resolution, authorising each signatory who signed above to do so, is to be submitted with the bid.

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CERTIFICATE FOR PAYMENT OF MUNICIPAL SERVICES

DECLARATION IN TERMS OF MUNICIPAL SCM REGULATIONS 21(d) (ii)

I, (full name) and (ID no.), hereby acknowledge that the Pikitup may reject the tender of the tenderer if any municipal rates and taxes or municipal service charges owed by the bidder or any of its directors/members/partners to the City of Johannesburg, or to any other municipality or municipal entity, are in arrears for more than 3 (three) months.

I declare that I am duly authorised to act on behalf of (name of the firm) and hereby declare, that to the best of my personal knowledge, neither the firm nor any director/member/partner of said firm is in arrears on any of its municipal accounts with any municipality in the Republic of South Africa, for a period longer than 3 (three) months.

I further hereby certify that the information set out in this schedule and/or attachment(s) hereto is true and correct. The bidder acknowledges that failure to properly and truthfully complete this schedule may result in the tender being disqualified, and/or in the event that the tenderer is successful, the cancellation of the contract.

PHYSICAL BUSINESS ADDRESS(ES) OF THE TENDERER	MUNICIPAL ACCOUNT NUMBER

Further details of the bidder's director(s) / shareholder(s) / partner(s) / member(s), etc.:

Director / partner / member	Physical residential address of the director / partner / member	Municipal account number(s)

PLEASE NOTE:

1. Copies of all municipal accounts, not older than 3 months, to be submitted with the bid.
2. If the entity or any of its directors/shareholders/partners/members, etc. rents/leases premises a copy of the rental/lease agreement is to be submitted with this bid.

Signature	Position	Date

ANNEXURE 1.2

CONDITIONS OF TENDER

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CONDITIONS OF TENDER

RETURN OF BIDS

This BID closes as indicated on the cover page of this tender document. Late bids will not be accepted or considered and bids delivered to any other address besides the address stated above will not be considered.

Neither PIKITUP nor any of its employees shall be liable in any way whatsoever for BIDS that are not placed in the bid box by the closing date and time.

No BID shall be considered unless it is accompanied by sufficient information to show that the goods offered comply with the specification.

Bidders must state the country of origin and the name of the manufacturer of the goods offered. Documentary proof must be produced, if required.

Bidding documents must be completed properly in permanent black ink, and no correction fluid (Tippex) may be used on the bid document. If the bidder wishes to make a change, the bidder must draw a line through the incorrect wording, write the correct wording next to the change, and also initial next to the change.

VALIDITY PERIOD

Your bid submission must remain valid for a period of **90 days** from the closing date of this bid. It will constitute an offer which remains open for acceptance during the validity period.

BRIEFING OR INFORMATION MEETING

Where the bid document indicates that a compulsory briefing meeting will be held as per the details provided on the cover page of the bid document, it is a requirement of the bid that the bidder's representative must attend the briefing session as important information pertaining to the bid will be discussed at the meeting. Bidders must attend the compulsory briefing session and ensure to sign the attendance register. Non-attendance to the compulsory briefing meeting will result in your bid being disqualified for further evaluation.

Where the bid document indicates that the information meeting is not compulsory, attendance of the meeting would be optional to accommodate questions relating to the bid.

Where the bid document indicates that no briefing or information meeting will be held. Questions relating the bid must be email to the contact person as indicated in the bid document.

ADJUDICATION OF BIDS

Bids submitted in response to this invitation will be adjudicated by PIKITUP in terms of the Supply Chain Management Policy and Procedure Manual developed in accordance with the requirements of the Municipal Finance Management Act 56 of 2003, the Preferential Procurement Policy Framework Act # 5 of 2000, and the Preferential Procurement Regulations of 2017. Enquiries in respect of the policy should be addressed to PIKITUP's Acting General Manager: Supply Chain Management – salomemalebye@pikitup.co.za

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CONTRACT

The terms of the proposed contract with PIKITUP are contained in the General Conditions of Contract, the Special Conditions of Contract and any of the sections of these bidding documents in which the bidder makes an undertaking as to its performance. You must read and understand the terms before you submit your BID as you will be bound by the Contract (as described) if your BID is successful.

ADMINISTRATIVE JUSTICE

In adjudicating bids, PIKITUP shall comply with the requirements of the Promotion of Administrative Justice Act 3 of 2000 and the Promotion of Access to Information Act 2 of 2000, to the extent that these Acts apply to the adjudication by a municipal entity of bids in response to a bid invitation.

INTERNAL APPEAL PROCESS

Following the evaluation of tender and selection of a preferred bidder, and provided that a procurement contract has not already entered into force, any bidder may submit a complaint in writing to the chairperson of the PIKITUP Board of Directors ("the Board") or the Managing Director that PIKITUP has not complied with the requirements of the PIKITUP Supply Chain Management Policy or the PIKITUP Code of Ethics, or has in any respect acted in a way that is irregular. The Chairperson of the Board or Managing Director shall not entertain a complaint unless it was submitted within 20 calendar days of when the supplier or contractor submitting it became aware of the circumstances giving rise to the complaint or of when that supplier or contractor should have become aware of those circumstances, whichever is earlier; or entertain a complaint after the procurement contract has entered into force.

Unless the complaint is resolved by mutual agreement of the bidder and the Chairperson of the Board or Managing Director, the Chairperson of the Board shall, within 30 calendar days after the submission of the complaint, issue a written decision. The decision shall state the reasons for the decision; and if the complaint is upheld in whole or in part, indicate the corrective measures that are to be taken.

The decision of the Chair of the Board shall, subject to the review powers of any competent court, be final.

PROVISO

In evaluating bids received and adjudicating the award of this tender, Pikitup Johannesburg (SOC) Limited will, in addition to the pre-compliance and functionality criteria included in the specifications and irrespective of the capital, pricing and black economic empowerment structures of the bidder, take into account as objective criteria (1) the desirability of rotating the work amongst service providers, (2) the past bidding practices of any bidder in relation to evidence and/or reports of combative practices including conduct reported, amongst others, in terms of the Prevention and Combatting of Corrupt Activities Act, 2004, (3) the past contractual performance of any bidder and (4) the nature and extent of disputes involving the bidder in relation to past and/or current contracts. Note that as a result of the application of these objective criteria, the highest scoring bidder(s) will not necessarily be selected as a preferred bidder(s).

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In line with the provisions of Supply Chain Management Policy, Pikitup reserves the right to:

- request for a validity extension if necessary,
- apply pre-qualification criteria to advance designated groups in terms of the PPPFA of 2000: Preferential Procurement Regulations of 2017
- award the bid in whole, or award the bid in parts, or not to award the bid at all,
- award the bid to one or more than one bidder(s)
- negotiate the bid price offered, and / or any other terms and conditions of this requirement with the preferred bidder(s), before the final award of the bid.

Pikitup further retain the right to:

- veto or conduct a due diligence on any bidder, and / or any of their sub-contractors or sub-service providers;
- request for samples, demonstrations, site visits or further information relating to the offered goods, services or works
- evaluate, review, test, inspect any of the products and / or staff offered for the tender, at Pikitup's sole discretion accept or reject such.

As per section 2(1)(f) of the PPPFA, one or more of the following "objective criteria" may be considered for final selection of bid(s):

- The spread of business amongst suppliers and / or rotation of contracts amongst suppliers,
- The protection of the environment or sustainability considerations,
- The geographical origin of resources utilised as inputs for the execution of the proposed contract,
- The development and / or impact on the local community,
- Considerations of after purchase costs, such as maintenance cost, operational costs, licence costs, or life cycle cost,
- Variants from the original scope of requirements,
- Financial stability and commercial status of the bidder(s),
- The receipt of an abnormally low bid amount, provided that the bidder in question is allowed an opportunity to justify its bid.

DECLARATION BY BIDDER:

I the undersigned, (Name and Surname), being the duly authorised undersigned representative of the Bidder and its associates hereby grant Pikitup Johannesburg (SOC) Limited the required consent in terms of the Protection of Personal Information (POPI) Act, 2013 for the use of the personal information relating to the Bidder (i.e. the company, its owner(s), employees and/or any associated persons' BEE credentials, demographic / ownership profile, location etc.) for the legitimate purposes relating to this bid submission, its evaluation and adjudication.

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I FURTHER DECLARE THAT I/WE HAVE READ THE CLAUSES SET OUT ABOVE IN THIS OF THE TENDER DOCUMENTS AND ACCEPT THEIR CONTENTS, SUBJECT TO ANY DECLARATION, WE HEREBY OFFER TO CONTRACT WITH PIKITUP ON THE TERMS SET OUT IN THE BID DOCUMENTS SHOULD WE BE APPOINTED AS THE SUCCESSFUL BIDDER.

AUTHORISED SIGNATURE :

CAPACITY OF SIGNATORY :

DATE :

ADDRESS :

WITNESSES: 1 WITNESSES: 2

ANNEXURE 2.

SPECIFICATION OF REQUIREMENTS

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**SPECIFICATION FOR
THE APPOINTMENT OF TRAINING
SERVICE PROVIDERS FOR THE
PROVISION OF TRAINING PROGRAMMES
ON AN AS AND WHEN REQUIRED BASIS
OVE A PERIOD OF
36 MONTHS**

**TENDER REFERENCE NUMBER
PU106/2022**

APPOINTMENT OF A PANEL OF TRAINING SERVICE PROVIDERS FOR THE PROVISION OF TRAINING PROGRAMMES ON AN AS AND WHEN REQUIRED BASIS FOR A PERIOD OF 36 MONTHS

1. INTRODUCTION

Pikitup is a waste management municipal entity wholly owned by the City of Johannesburg. The company believes in investing towards the development of the competencies and skills of its human capital. It is the strategic belief that this deliberate intervention will pay dividends which shall translate into marked improvement in the business efficiencies necessary in the delivery of espoused council mandates. Having finalized and submitted its Workplace Skills Plan, Pikitup wants to roll-out the plan by enlisting firm partnerships with **accredited, experienced and professional** training service providers. This bid is meant to attract potential training service providers whose profiles shall form part of the panel to enhance employee training. Sufficing to mention that Pikitup operates within the local government landscape and therefore while it recognizes all SETA accreditations; its primary focus will as far as possible, emphasize on training service providers holding accreditation with the **Local Government SETA**.

The appointment of accredited training providers will assist in the implementation of all planned learning programmes for all departments on an as and when required basis for a period of 36 months.

Assisting employees to improve their educational levels create opportunities for employability and it elevates the levels of performance. Trainings will be offered to all employees as per their occupational levels.

2. PROJECT SCOPE

In order to become the leading waste management company, it is necessary to ensure that a professional environment is created, and in response to the changing business model the education levels of the employees are improved.

It is imperative that the training through which Pikitup workforce shall be exposed, shall subscribe to underlying National Qualification Framework principles; i.e. promote the portability of skills, skills leading to a national qualification (based on unit standards or shall carry national credits or

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should lead into a full qualification) and most important than anything else such training should give beneficiaries the competencies to perform their duties efficiently and effectively.

Bids are invited from SETA accredited Training Service Providers for the implementation of Learning Programmes for all departments of PIKITUP on an as and when required basis for a period of 36 months.

Training Service Providers that offer tuition and assessment for qualifications on the General Further Education and Qualification Framework must be accredited by Umalusi or IEB (Council for Quality Assurance) and be registered with the Department of Basic Education and Training and proof thereof must accompany the proposal.

The service providers we aim to attract shall give proof of having capacity, demonstrable experience (giving contactable references) and competencies in presenting Learning Programmes.

NB: Appointed training providers will offer trainings on a rotational basis.

SUBMISSION REQUIREMENTS

- 2.1 **Company accreditation** - Training Service Providers must be accredited by an Education and Training Quality Assurance Body (ETQA) and proof thereof must accompany the proposal (accreditation number, accreditation date and accreditation expiry date must be attached). Bid proposals will be rejected if proof of company accreditation is not attached.
- 2.2 **Programme accreditation** - Proof of Sector Education and Training Authority (SETA) accredited programmes must be attached.

It is the responsibility of the bidder to attach proof (in the form of a document) from a relevant SETA if there are no registered unit standards available for a programme.

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- 2.3 **Facilitator accreditation** - Proof of Facilitator(s) accreditation to facilitate the relevant unit standard(s) must be attached.
- 2.4 **Programme content** - A course outline must be attached together with the Unit Standard ID, the NQF level, credits, duration and the target group for the specific learning intervention
- 2.5 **Training equipment** - All training equipment must be supplied by the training service provider (E.g. laptops, data projectors, flip chart paper, permanent markers and white board markers). The number of laptops and data projectors to your avail must be indicated.
- 2.6 **Training venues** - Learning must be delivered in-house on site or outside Pikitup as per arrangement.
- 2.7 **References** - Three (3) references must be attached of similar projects that were presented at other institutions.
- 2.8 **Facilitators** - Training Service Providers must indicate the number of full time facilitators in their service and the number of part time facilitators who are contracted to present training. (Attach Curriculum Vitae).
- 2.9 **Approach and methodology** - Training Service Providers should elaborate on their work plan with specific reference to :
- Pre-Visits (Consultation before the intervention)
 - Recognition of Prior Learning (RPL)
 - Customizing of material
 - Assessments
 - Training Reports (Training Reports should be submitted after each Intervention)
 - Certification (Certificates of competence must be issued)
 - Monitoring

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3. Training Needs

The service providers we aim to attract should have capacity, demonstrable experience and competencies in presenting one or more of the following skills programmes:

Table 1

From the table below providers must indicate **(mark with an X)** the types of programmes that they can offer.

HUMAN RESOURCES	TICK	OPERATIONS	TICK	FINANCE	TICK	COMPUTER AND OFFICE ADMINISTRATION	TICK
Negotiation Skills		Handyman training		Cost and Capital Planning		Basic/intermediate and advanced computer training (MS Office)	
Disciplinary Hearing Procedures		Yellow Plant Operator		Municipal Accounting		Microsoft Project Management	
Employee Relations		Mechanical Engineering		Asset Management		Minute Writing	
Mediation Skills		Grab Operator		Supply Chain Management		Business Writing Skills	
Recruitment		Composting		Finance for Non-Financial Managers		Report Writing Skills	
On-boarding				Budget Management		Office Admin and Secretarial	
Case Management Techniques				Financial Management		Time Management	
Industrial Relations				BEE		Record Management	
Skills Audit				Logistic Management		Business Etiquette	
Employment Equity						Effective Speaking and Presentation	
Human Resources Management						Customer Services	
Career progression						Team Leading	
Productivity Management						Customer Relations	

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Skills Audit and Data Management Training						Interpersonal Skills	
LEGISLATIVE TRAINING	TICK	WELLNESS PROGRAMMED	TICK	GENERAL EDUCATION AND TRAINING PROGRAMMES	TICK	MANAGEMENT PROGRAMMES	TICK
Municipal Financial Management Act		Incapacity Management		Adult Education and Training (ABET)		Leadership Development	
Skills Development Levy Act		Employee Assistance Programme(EAP) related programmes		Grade 12/ Matric		Management Development	
Skills Development Act		EAP standard procedures		Recognition of Prior Learning		Mentorship	
Employee Equity Act		Primary and Occupation Health Care				Professional Coaching	
Basic Condition of Employment Act		Trauma debriefing				Project Management	
POPI Act		HIV and Aids (Awareness)				Supervisory and Basic Management	
AARTO		Employee wellness				Strategic Management	
Labour Relations Act		Basic Life Support				Business Management	
Health and Safety Act		Debt Management				Change Management	
Systems Act		Basic Hygiene				Contract Management	
		Supervisory training(EAP and occupational health related)				Performance Management	
		Mental Health and resilience building				Accountability Skills	
		Health Promotion				Conflict Management	
		Advanced Counselling Skills				Monitoring and Evaluation	
		Clinical Management				Policy Development	

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		Skills for health Occupation and Health Nurse practitioners					
		Clinical Risk Assessment				Critical and innovative thinking	
		Health and Safety risk assessment				Cross functional awareness	
		Medical Surveillance				Communication and Collaboration skills	
						Integrated Management System	
						Learnership and Internship Management	
						Interpersonal Skills	
						Marketing Management Skills	
						Business Sense Appreciation	
						Emotional Intelligence	
						Communication and collaboration Skills	
						Team Building and Group Dynamics	
						Business Consulting	
						Relationship Management	
						Monitoring and Evaluation	

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FLEET	TICK	SECURITY	TICK	INFORMATION TECHNOLOGY	TICK	WASTE MANAGEMENT	TICK
Fleet Asset Management		General Security Management		Cobit Foundation		Waste Minimisation	
Road Safety		Access Control		Microsoft Certified Solution Expert (MCSE)		Separation at Source	
Driver evaluation and selection		Patrol Techniques (How to conduct adequate and effective patrol)		Microsoft Certified Solution Expert (MCSD)		Co-operatives Management	
Operator induction and training		Use of security electronic systems (x-ray machine, metal detectors and surveillance monitoring)		ITIL Foundation			
Landfill driver and operator		Demonstrate understanding of CCTV		Advanced GIS and Map Reading			
Compactor offloading		Specialist security practices		Data Management			
Fleet Management		Further Education & training certificate: Electronic Security Installation Practice		Mobile Machines Techniques			
Accident and incident investigation and reporting		National Certificate: General Security Practices		AI- Artificial intelligence			

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Basic, advanced and refresher Driver Training		Conduct electronic surveillance operations		Service Desk			
Driver and Operator Training and Development Program		Security Risk Assessment		Coding and web development			
		Crime prevention within a victim empowerment context-including GBV					
		How to conduct preliminary investigations					
		Identify, handle and define security related conflict					

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WASTE MANAGEMENT	TICK	HEALTH AND SAFETY	TICK	RISK AND COMPLIANCE	TICK		
Waste Classification and Management		Basic First Aid		Risk Management (managing physical risk and assessment)			
Environmental Practice Level 1-5		Incident Investigation		Corporate Governance			
Environmental Law for managers		Fire Fighting		Ethics Management			
		Disaster Management		Internal controls, control self-assessment and methods of internal controls ratings			
		SAMTRAC		Business risk assessment			
		Company Procedures Specific to the Job		Internal controls, control self-assessment and methods of internal controls ratings			
		-OHSAS 18001 Safety Management System		Incident management risk and compliance champions training			
		-ISO14001 Management System		Risk Management process			
		-SHEQ Monitoring		Fraud risk and fraud risk Management			
		-Hazard Identification and Risk Assessment		Risk Governance			
		Safety and Security		Employee Risk appetite and tolerance concept (RAT)			
				Application integration with strategy and performance (COSO)			

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4. EVALUATION CRITERIA.

4.1 Pre- Compliance Evaluation

The appointed Bid Evaluation Committee will validate the list of returnable documents as mentioned below for further evaluation in functionality stage.

Please ensure that the following supporting documents are attached to your Bid Document. Failure to submit the below mentioned documents may result in your bid disqualified for further evaluation.

Table 2: Compulsory Returnable Documents

Compulsory Returnable Documentation (Submission of these are compulsory)	Submitted (YES or NO)	Checklist (Guide for Bidder and the Bid Evaluation Committee)
<p>a) To enable Pikitup to verify the bidder's tax compliance status, the bidder must provide;</p> <ul style="list-style-type: none"> • A copy of a valid Tax Clearance Certificate (TCS); • or a copy of their Central Supplier Database (CSD) registration; • or indicate their Master Registration Number / CSD Number; • or indicate their tax compliance status PIN. <p>(Note: Refer to MDB 1)</p>		<p>TCS / CSD must be in the same business name as the bidding company? TCS / CSD must be valid? Tax status must be compliant?</p>
<p>b) (1) Confirmation that the bidding company's municipal rates and taxes are up to date:</p> <ul style="list-style-type: none"> • Original or copy of Municipal Account Statement of the <u>Bidder</u> (BIDDING COMPANY) not older than 3 months and account must not be in arrears for more than ninety (90) days; or • If leasing, a letter or Statement or Affidavit from landlord confirming that the <u>Bidder</u> (BIDDING COMPANY) has no disputed account(s) and the account is not in arrears for more than ninety (90) 		<p>Was a Municipal Account Statement or landlord letter provided for the bidding company? The name and / or addresses of the bidder's statement correspond with CIPC document? Are correspondence recent (not older than 3 months)? Are all payment(s) up to</p>

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<p>days. The above documents from the landlord must be submitted with the signed lease agreement.</p> <ul style="list-style-type: none"> Bidders operating from home must submit affidavit to that effect. <p>NB: The documents submitted for the Company must correspond with the address stated on the MBD 1 document.</p> <p style="text-align: center;">AND</p> <p>c) (2) In addition to the above, confirmation that <u>ALL</u> bidding company's <u>OWNERS/DIRECTORS/MEMBERS/TRUSTEES</u> not older than 3 months and the accounts/s may not be arrears for more than (90) days; or</p> <ul style="list-style-type: none"> Original or copy of Municipal Account Statement of <u>ALL</u> the <u>OWNERS/DIRECTORS/MEMBERS/TRUSTEES</u> not older than 3 months and account must not be in arrears for more than ninety (90) days; or If any of the <u>OWNERS/DIRECTORS/MEMBERS/TRUSTEES</u> is leasing, a letter or Statement or Affidavit from landlord confirming that the <u>OWNER/DIRECTOR/MEMBER/TRUSTEE</u> has no disputed account(s) and the account is not in arrears for more than ninety (90) days. The document from the landlord must be submitted with the signed lease agreement. 		<p>date (i.e. not in arrears for more than 90 days?</p>
<p>c) Valid Original or certified copy of BBBEE certificate (Minimum BBBEE Status Level 3,2 or 1 only)</p>		<p>BEE certificate is original or a certified copy / Sworn affidavit is original</p>

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<p>d) <u>Duly signed and fully</u> completed Declaration Forms per bid annexures (MBD 1, MBD4, MBD 8, MBD 9)</p> <p><i>Attach letter of authorization if the signatory is not the Director/ Member of the company.</i></p>		<p>All documents fully completed (i.e. no blank spaces)?</p> <p>All documents fully signed?</p> <p>Signature authorised (any director / member / trustee as indicated on the CIPC document, alternatively a delegation of authority would be required)?</p> <p>Documents completed in black ink (i.e. no “Tippex” corrections, no pencil, no other colour ink, will be considered)?</p>
<p>e) Joint Ventures (JV) – (Only applicable when the bidder tender as a joint venture)</p> <ul style="list-style-type: none"> Where the bidder bid as a Joint Ventures (JV), the required or relevant documents as per (a) to (d) above must be provided for all (each one of the parties) JV parties. Original or certified BEE certificate must be combined/consolidated in the names of the companies within the JV In addition to the above the bidder must submit a Joint Venture (JV) agreement signed by the relevant parties. Note: It is a condition of this bid that the successful bidder will continue with same Joint Venture (JV) for the duration of the contract, unless prior approval is obtained from Pikitup. 		<p>If applicable.</p> <p>JV agreement provided?</p> <p>JV agreement complete and relevant?</p> <p>Agreement signed by all parties?</p> <p>Is the BEE certificate combined/consolidated in the names of the Companies within the JV?</p> <p>All required documents as per (i.e. a to e) must be provided for all partners of the JV.</p>
<p>f) Proof of accreditation from ETQA</p>		

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g) Proof of SETA approved programme(s)		
h) Proof of registration with Department of Education and Training to offer Umalusi or IEB qualifications. Note: Proof (in the form of a document) from a relevant SETA must be submitted if there are no registered unit standards available for a programme.		

Table 3: Other Returnable documents required

a) Proof of company registration (CIPC Documents)	
b) Copy of ID Documents of owners/members/shareholders	
d) Company Profile/ Brochure	
e) Contactable Reference letters	
f) Proof of qualification of the facilitator(s)	
g) Copy of CV of the facilitator(s)	
h) Approach and Methodology Plan	
i) Appendix A	
j) Appendix B	

4.2 FUNCTIONALITY EVALUATION.

PIKITUP will establish a Bid Evaluation Committee (BEC) whose responsibility is to make recommendations to the Bid Adjudication Committee (BAC). The BEC will evaluate the Bids in accordance with the criteria below and make recommendations to the BAC.

Only supplier(s) who meet the minimum required threshold (**70%**) for functionality will be considered.

The scores of each of the evaluators will be averaged, weighted and then totaled to obtain the final score.

NOTE: For the purpose of comparison and in order to ensure a meaningful evaluation, supplier(s) must submit detailed information in substantiation of compliance to the evaluation criteria.

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Table 4: Functionality criteria

Criterion	Points
<p>Experience of the company</p> <p>Track record (Company Profile or schedule of project undertaken), experience in the provision of training services. (Bidders must complete Appendix A)</p> <ul style="list-style-type: none"> • More than 5 years = 5 • More Than 2 years less than 5 years = 3 • Less than 1 year = 1 • No submission = 0 	20
<p>References</p> <p>The Company must provide contactable references from different companies for provision of training services. Written reference letters must be signed and on a client letterhead.</p> <ul style="list-style-type: none"> • 3 or more references letters = 5 • 2 reference letters = 3 • 1 reference letter = 1 • No Submission = 0 	20
<p>Qualification of the Facilitator(s)</p> <ul style="list-style-type: none"> • Minimum of 3 years' experience in facilitation • Relevant qualification as per training needs in Table 1 <p>Submit proof of relevant qualification/accreditation/valid Registered Assessors, Facilitators and Moderators as per the selected training programmers in Table 1 (Bidders must complete Appendix B)</p> <ul style="list-style-type: none"> • Proof of relevant qualification submitted for all facilitators listed in table 1 = 5 • No proof of relevant qualification submitted = 0 <p>Bidders must also submit proof that the facilitator is qualified in more than one training programme.</p> <p>NB: Bidders are not allowed to select a programme if they do not have facilitators for those programmes.</p>	20

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Criterion	Points
<p>Brief overview of approach and methodology</p> <p>Training Service Providers should elaborate on their work plan with specific reference to:</p> <ul style="list-style-type: none"> • Pre-Visits (Consultation before the intervention) • Recognition of Prior Learning (RPL) • Customizing of material • Assessments • Training Reports (Training Reports should be submitted after each Intervention) • Certification (Certificates of competence must be issued) • Monitoring <ul style="list-style-type: none"> ○ Approach and Methodology (inclusive of all 7 bullet points mentioned above) = 5 ○ Approach and Methodology not submitted or does not cover all 7 bullet points mentioned above = 0 	20
<p>Location</p> <p>Situated within City of Johannesburg(COJ) =5</p> <p>Situated within Gauteng but outside COJ =3</p> <p>Situated within South Africa =1</p> <p>Other = 0</p>	20
Total	100

THE MINIMUM REQUIRED THRESHOLD/SCORE FOR FUNCTIONALITY IS 70 OUT OF 100.

APPENDIX “A”

PREVIOUS WORK CARRIED OUT BY BIDDER

Provide the following information on **relevant previous experience**. Indicate comparable training programmes conducted. This information is material to the award of the Contract.

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NAME OF ORGANIZATION	DESCRIPTION OF THE TRAINING	VALUE OF CONTRACT	START DATE	END DATE	CONTACT PERSON (NAME & SURNAME)	PHONE OR CELLPHONE NUMBERS

APPENDIX“ B”

PROPOSED FACILITATORS FOR THE SELECTED PROGRAMME(S)

The Bidder shall list below the facilitators whom are proposed to be employed on the project should the Bid be accepted, to direct and for the execution of the work, together with their qualifications, experience, Designation.

TYPE OF PROGRAMME(S)	NAME AND SURNAME	QUALIFICATIONS	YEARS OF EXPERIENCE
<i>e.g. Financial management</i>	<i>J Smith</i>	<i>B Comm</i>	<i>5 Years</i>

**BID NUMBER PU106/2022 FOR THE APPOINTMENT OF TRAINING SERVICE PROVIDERS FOR THE PROVISION OF TRAINING PROGRAMMES ON AN AS AND WHEN REQUIRED BASIS
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ANNEXURE 3

MBD 4

DECLARATION OF INTEREST

APPOINTMENT OF A PANEL OF TRAINING SERVICE PROVIDERS FOR THE PROVISION OF TRAINING PROGRAMMES ON AN AS AND WHEN REQUIRED BASIS FOR A PERIOD OF 36 MONTHS

MBD 4

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state¹.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.
3. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

3.1 Full Name of bidder or his or her representative:.....

3.2 Identity Number:

3.3 Position occupied in the Company (director, trustee, shareholder²):.....

3.4 Company Registration Number:

3.5 Tax Reference Number:.....

3.6 VAT Registration Number:

3.7 The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.

3.8 Are you presently in the service of the state?

(Circle the applicable answer)

YES /

NO

3.8.1 If yes, furnish particulars.
.....

¹MSCM Regulations: "in the service of the state" means to be –

(a) a member of –

- (i) any municipal council;
- (ii) any provincial legislature; or
- (iii) the national Assembly or the national Council of provinces;

(b) a member of the board of directors of any municipal entity;

(c) an official of any municipality or municipal entity;

(d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);

(e) a member of the accounting authority of any national or provincial public entity; or

(f) an employee of Parliament or a provincial legislature.

² Shareholder" means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.

3.9 Have you been in the service of the state for the past twelve months?

(Circle the applicable answer)...YES

/ NO

3.9.1 If yes, furnish particulars.....

BID NUMBER PU106/2022 FOR THE APPOINTMENT OF TRAINING SERVICE PROVIDERS FOR THE PROVISION OF TRAINING PROGRAMMES ON AN AS AND WHEN REQUIRED BASIS OVER A PERIOD OF 36 MONTHS

APPOINTMENT OF A PANEL OF TRAINING SERVICE PROVIDERS FOR THE PROVISION OF TRAINING PROGRAMMES ON AN AS AND WHEN REQUIRED BASIS FOR A PERIOD OF 36 MONTHS

.....

3.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid?

(Circle the applicable answer) YES /

NO

3.10.1 If yes, furnish particulars.

.....

.....

3.11 Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid?

(Circle the applicable answer)...YES /

NO

3.11.1 If yes, furnish particulars

.....

.....

3.12 Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state?

(Circle the applicable answer)...YES /

NO

3.12.1 If yes, furnish particulars.

.....

.....

3.13 Are any spouse, child or parent of the company's directors trustees, managers, principle shareholders or stakeholders in service of the state?

(Circle the applicable answer)...YES /

NO

3.13.1 If yes, furnish particulars.

.....

.....

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract?

(Circle the applicable answer)...YES /

NO

3.14.1 If yes, furnish particulars:

.....

.....

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4. Full details of directors / trustees / members / shareholders.

Full Name	Identity Number	State Employee Number

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

ANNEXURE 4

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

APPOINTMENT OF A PANEL OF TRAINING SERVICE PROVIDERS FOR THE PROVISION OF TRAINING PROGRAMMES ON AN AS AND WHEN REQUIRED BASIS FOR A PERIOD OF 36 MONTHS

MBD 8

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Municipal Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be rejected if that bidder, or any of its directors have:
 - a. abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
 - b. been convicted for fraud or corruption during the past five years;
 - c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
- 4 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury's website (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		

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4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

CERTIFICATION

**I, THE UNDERSIGNED (FULL NAME)
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM ARE TRUE AND CORRECT.**

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

ANNEXURE 5

APPOINTMENT OF A PANEL OF TRAINING SERVICE PROVIDERS FOR THE PROVISION OF TRAINING PROGRAMMES ON AN AS AND WHEN REQUIRED BASIS FOR A PERIOD OF 36 MONTHS

MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *per se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

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MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of _____ (Name of Bidder) that:

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.

APPOINTMENT OF A PANEL OF TRAINING SERVICE PROVIDERS FOR THE PROVISION OF TRAINING PROGRAMMES ON AN AS AND WHEN REQUIRED BASIS FOR A PERIOD OF 36 MONTHS

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
- (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
10. am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract

ANNEXURE 6

CORPORATE GOVERNANCE BREACH CLAUSE

CORPORATE GOVERNANCE BREACH CLAUSE

1. PIKITUP Johannesburg (SOC) LTD (“PIKITUP”) requires (“the Company”) to comply, *mutatis mutandis* with the Code contained in the King II Report and Code of Good Corporate Governance (below “the Code”) for the term of this Agreement and any extension thereof.
2. The Company irrevocably undertakes and agrees that it will, *mutatis mutandis*, comply with the Code for the term of this Agreement and any extensions thereof.
3. The Company acknowledges and agrees that:
 - 3.1 It is essential that the Company complies with the Code, in order to discharge all of its obligations under and in terms of the Agreement in a proper, efficient and professional manner, and
 - 3.2 PIKITUP will be prejudiced and may suffer damages in the event of the Company failing to comply with the Code.
4. The Company shall be required, within seven (7) days of the end of each calendar month during the term of this Agreement (and any extensions thereof), to furnish PIKITUP with a written certificate, signed by the directors of the Company **[alternatively members of the Close Corporation]**, certifying that the Company has complied with the provisions of the Code during the preceding months.
5. PIKITUP shall have the right, without assigning any reason therefore and at any time, to appoint either the Institute of Directors of South Africa or a firm of chartered accountants or attorneys, to conduct an audit of the business and affairs of the Company in order to ascertain whether the Company is indeed complying with the terms of the Code. To this end, the Company irrevocably undertakes and agrees to co-operate fully with the party conducting such investigation for and on behalf of PIKITUP and to make available to such party all such documentation and all such information as the investigation party may require to fully discharge its obligations under and in terms hereof and to report fully to PIKITUP.

APPOINTMENT OF A PANEL OF TRAINING SERVICE PROVIDERS FOR THE PROVISION OF TRAINING PROGRAMMES ON AN AS AND WHEN REQUIRED BASIS FOR A PERIOD OF 36 MONTHS

In the event of it being found that the Company is not complying with the Code, then PIKITUP shall be entitled to (a) regard this as a breach of the agreement and (b) recover the costs of the investigation, on an attorney and client basis, from the Company. In the event of it being found that the Company is, in fact, discharging its obligations under and in terms of the Code, then PIKITUP shall bear the costs incurred in such investigation. In either of the foregoing events, the Company shall be entitled to receive a copy of the written report once same has been concluded by the investigating party.

6. In the event of the Code being replaced with another Code (or similar document), then such replacement document shall replace the Code and a reference to the Code shall be deemed to be a reference to such replacement document. The reference to the Code shall be deemed to include any statutory codification of directors' obligations and duties which may be enacted in the Republic of South Africa at any time in the future.
7. In entering into this Agreement, the Company represents and warrants to PIKITUP that it is familiar with the Code, that it fully understands and appreciates the rights, obligations and recommendations therein contained and agrees to be bound thereby as herein recorded.

ANNEXURE 7

The National Treasury General Conditions of Contract 2010 as well as specific conditions of contract for this bid will apply. The GCC is available on www.nationaltreasury.gov.za. Any additional terms and conditions will form part of special conditions of contract to be agreed and signed upon award of the bid. The contract will have to be signed by the successful bidder before the project commence. A service level agreement must be entered into by the awarded bidder and PIKITUP within 30 days of award of contract.

The following agreement is a draft agreement (indicating the specific conditions of contract) and will be concluded at bid award with the successful bidder/s.

ANNEXURE 8

**ALL COMPULSORY RETURNABLE DOCUMENTS
AND OTHER RETURNABLE DOCUMENTS TO BE
ATTACHED**